

UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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| C.A. 03-148L | Tammy Passa v. Jeffrey Derderian, et al      |
| C.A. 03-208L | Ronald Kingsley v. Jeffrey Derderian, et al  |
| C.A. 03-335L | George Guidon v. Jeffrey Derderian, et al    |
| C.A. 03-483L | Chad Henault v. Jeffrey Derderian, et al     |
| C.A. 04-26L  | Linda Roderiques v. Jeffrey Derderian, et al |
| C.A. 04-56L  | Charles Sweet v. Jeffrey Derderian, et al    |
| C.A. 04-312L | Albert Gray v. Jeffrey Derderian, et al      |
| C.A. 05-002L | Andrew Paskowski v. Jeffrey Derderian, et al |

**RULE 12(B)(6) MOTION TO DISMISS PASKOWSKI PLAINTIFFS'**  
**FIRST AMENDED MASTER COMPLAINT**  
**BY DEFENDANTS GENERAL FOAM CORPORATION, GFC FOAM, LLC,**  
**FOAMEX LP, FOAMEX INTERNATIONAL INC., FMXI, INC.,**  
**PMC, INC., AND PMC GLOBAL, INC.**  
**INCORPORATING PRIOR MEMORANDA**

Without waiving any of its defenses related to service of process<sup>1</sup>, defendants General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc. (collectively referred to as "GFC") hereby respectfully move this Court, pursuant to Federal Rules of Civil Procedure 12(b)(6) to dismiss the claims asserted against GFC on the grounds that plaintiffs fail to state a cause of action against GFC as a matter of law. GFC hereby adopts the Supplemental Memorandum filed in support of its Rule 12(b)(6) Motion to Dismiss Gray Plaintiffs' First Amended Master Complaint, which incorporates by reference GFC's previously filed Rule 12(b)(6) Motion and accompanying Memorandum, as well as GFC's Reply Memorandum to Plaintiffs' Objections to Motion to Dismiss. For the reasons set forth in those memoranda, GFC requests that all claims asserted against GFC in the plaintiffs' complaint be dismissed with prejudice.

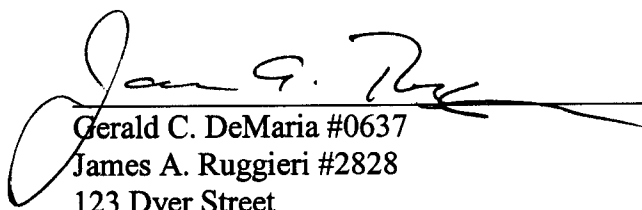
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<sup>1</sup> GFC states that its counsel has received a copy of a Notice of Adoption of First Amended Master Complaint in Paskowski, et al v. Derderian, et al (C.A. No. 05-002 L). GFC has never been served with service of process in this case. To the extent this pleading is before the Court and in response thereto, GFC submits this Motion to Dismiss.

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Defendants,  
FOAMEX INTERNATIONAL, INC.,  
FOAMEX, LP, FMXI, INC., GENERAL F  
FOAM CORPORATION, GFC FOAM,  
LLC, PMC, INC.,  
AND PMC GLOBAL, INC.  
By Their Attorneys,

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## **CERTIFICATION**

I hereby certify that on the 12<sup>th</sup> day of January, 2005, a true copy of the within was e-mailed to:

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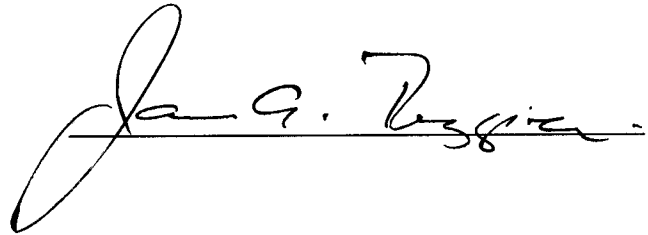
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**A copy was also e-mailed to:**

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**A copy was sent by mail only to:**

Joseph Krowski, Esq.  
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Brockton, MA 02301

A handwritten signature in black ink, appearing to read "J. Krowski", written over a horizontal line.

UNITED STATE DISTRICT COURT  
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| C.A. 05-002L | Andrew Paskowski v. Jeffrey Derderian, et al |

**RULE 12(B)(6) MOTION TO DISMISS GUINDON PLAINTIFFS'**  
**FIRST AMENDED MASTER COMPLAINT**  
**BY DEFENDANTS GENERAL FOAM CORPORATION, GFC FOAM, LLC,**  
**FOAMEX LP, FOAMEX INTERNATIONAL INC., FMXI, INC.,**  
**PMC, INC., AND PMC GLOBAL, INC.**  
**INCORPORATING PRIOR MEMORANDA**

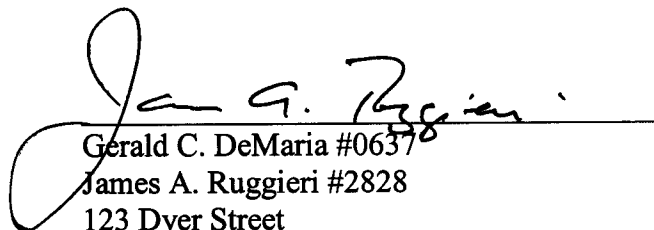
Without waiving any of its defenses related to service of process<sup>1</sup>, defendants General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc. (collectively referred to as "GFC") hereby respectfully move this Court, pursuant to Federal Rules of Civil Procedure 12(b)(6) to dismiss the claims asserted against GFC on the grounds that plaintiffs fail to state a cause of action against GFC as a matter of law. GFC hereby adopts the Supplemental Memorandum filed in support of its Rule 12(b)(6) Motion to Dismiss Gray Plaintiffs' First Amended Master Complaint, which incorporates by reference GFC's previously filed Rule 12(b)(6) Motion and accompanying Memorandum, as well as GFC's Reply Memorandum to Plaintiffs' Objections to Motion to Dismiss. For the reasons set forth in those memoranda, GFC requests that all claims asserted against GFC in the plaintiffs' complaint be dismissed with prejudice.

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<sup>1</sup> GFC states that its counsel has received a copy of a Notice of Adoption of First Amended Master Complaint in Guindon, et al v. Derderian, et al (C.A. No. 03-335 L). Only Foamex International has been served with service of process in this case. The remaining GFC defendants have never been served with service of process in this case. To the extent this pleading is before the Court and in response thereto, GFC submits this Motion to Dismiss.

Defendants,  
FOAMEX INTERNATIONAL, INC.,  
FOAMEX, LP, FMXI, INC., GENERAL F  
FOAM CORPORATION, GFC FOAM,  
LLC, PMC, INC.,  
AND PMC GLOBAL, INC.  
By Their Attorneys,

HIGGINS, CAVANAGH & COONEY



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UNITED STATE DISTRICT COURT  
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| C.A. 04-312L | Albert Gray v. Jeffrey Derderian, et al      |
| C.A. 05-002L | Andrew Paskowski v. Jeffrey Derderian, et al |

**RULE 12(B)(6) MOTION TO DISMISS KINGSLEY PLAINTIFFS'**  
**FIRST AMENDED MASTER COMPLAINT**  
**BY DEFENDANTS GENERAL FOAM CORPORATION, GFC FOAM, LLC,**  
**FOAMEX LP, FOAMEX INTERNATIONAL INC., FMXI, INC.,**  
**PMC, INC., AND PMC GLOBAL, INC.**  
**INCORPORATING PRIOR MEMORANDA**

Without waiving any of its defenses related to service of process<sup>1</sup>, defendants General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc. (collectively referred to as "GFC") hereby respectfully move this Court, pursuant to Federal Rules of Civil Procedure 12(b)(6) to dismiss the claims asserted against GFC on the grounds that plaintiffs fail to state a cause of action against GFC as a matter of law. GFC hereby adopts the Supplemental Memorandum filed in support of its Rule 12(b)(6) Motion to Dismiss Gray Plaintiffs' First Amended Master Complaint, which incorporates by reference GFC's previously filed Rule 12(b)(6) Motion and accompanying Memorandum, as well as GFC's Reply Memorandum to Plaintiffs' Objections to Motion to Dismiss. For the reasons set forth in those memoranda, GFC requests that all claims asserted against GFC in the plaintiffs' complaint be dismissed with prejudice.

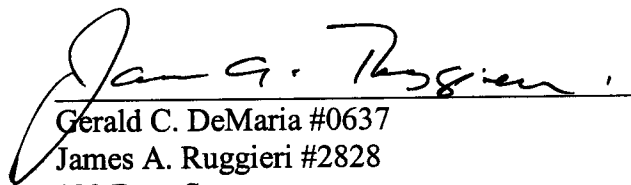
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<sup>1</sup> GFC states that its counsel has received a copy of a Notice of Adoption of First Amended Master Complaint in Kingsley, et al v. Derderian, et al (C.A. No. 03-208 L). GFC has never been served with service of process in this case. To the extent this pleading is before the Court and in response thereto, GFC submits this Motion to Dismiss.



Defendants,  
FOAMEX INTERNATIONAL, INC.,  
FOAMEX, LP, FMXI, INC., GENERAL F  
FOAM CORPORATION, GFC FOAM,  
LLC, PMC, INC.,  
AND PMC GLOBAL, INC.  
By Their Attorneys,

HIGGINS, CAVANAGH & COONEY



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Of Counsel:

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UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

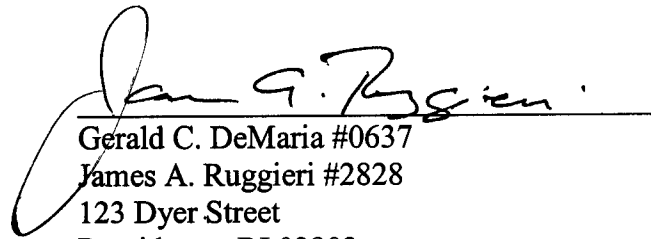
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| C.A. 03-483L | Chad Henault v. Jeffrey Derderian, et al     |
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| C.A. 04-56L  | Charles Sweet v. Jeffrey Derderian, et al    |
| C.A. 04-312L | Albert Gray v. Jeffrey Derderian, et al      |
| C.A. 05-002L | Andrew Paskowski v. Jeffrey Derderian, et al |

**RULE 12(B)(6) MOTION TO DISMISS PASSA PLAINTIFFS'**  
**FIRST AMENDED MASTER COMPLAINT**  
**BY DEFENDANTS GENERAL FOAM CORPORATION, GFC FOAM, LLC,**  
**FOAMEX LP, FOAMEX INTERNATIONAL INC., FMXI, INC.,**  
**PMC, INC., AND PMC GLOBAL, INC.**  
**INCORPORATING PRIOR MEMORANDA**

Defendants General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc. (collectively referred to as "GFC") hereby respectfully move this Court, pursuant to Federal Rules of Civil Procedure 12(b)(6) to dismiss the claims asserted against GFC on the grounds that plaintiffs fail to state a cause of action against GFC as a matter of law. GFC hereby adopts the Supplemental Memorandum filed in support of its Rule 12(b)(6) Motion to Dismiss Gray Plaintiffs' First Amended Master Complaint, which incorporates by reference GFC's previously filed Rule 12(b)(6) Motion and accompanying Memorandum, as well as GFC's Reply Memorandum to Plaintiffs' Objections to Motion to Dismiss. For the reasons set forth in those memoranda, GFC requests that all claims asserted against GFC in the plaintiffs' complaint be dismissed with prejudice.

Defendants,  
FOAMEX INTERNATIONAL, INC.,  
FOAMEX, LP, FMXI, INC., GENERAL F  
FOAM CORPORATION, GFC FOAM,  
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By Their Attorneys,

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